

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42358 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -SALKHUA District- SAHARSA

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Jyotish Kumar Son of Janardan Yadav @ Janardan Prasad Yadav R/o
Village- Salkhua Gonth, P.S.- Salkhua, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Umeshnand Pandit

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 12-01-2018 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Salkhua P.S. Case No. 66 of 2017 for the offences punishable under sections 147, 148, 149, 341, 323, 324, 447, 448, 379, 384, 385, 504 and 506 of the I.P.C.

Allegedly, the marriage ceremony of niece of the informant was scheduled to be held on 16.04.2017 for which necessary arrangement was going on and on 14.04.2017 at 7 A.M. the petitioner and other FIR named accused persons including 4 to 5 unknown persons attacked at the house of the informant, Co-accused Mithilesh Yadav was armed with 3-nut, they stated committing loot and assaulting the family members, they took



away ornaments worth rupees 70 to 80 thousand approximately and fled away after causing threats that they will not spare Raj Kumar Sahni, in the alleged occurrence Suresh Kumar, Dhrub Shankar Sahni, Rahul Kumar and Rohit Kumar sustained injury at the hands of the accused persons. It is further alleged that prior to this occurrence the accused persons had also committed occurrence with the informant.

Submission is of false implication and that against the petitioner there is no specific allegation, during investigation nothing has come regarding taking away cash and ornaments, due to previous enmity the petitioner has been implicated, earlier Bhabhi of the petitioner has lodged Salkhua P.S. Case No. 134 of 2014 against the informant and others and due to that the informant has implicated the petitioner in this case, no description of the property has been given in the FIR, nothing has been recovered from house of the petitioner, there is omnibus and general allegation, one of the co-accused Nabas Yadav has been granted regular bail and further Rupesh Kumar and Mithilesh Kumar have also been allowed regular bail on the same day by the learned court below and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail



of the petitioner.

In the facts and circumstances stated above, considering that there is no specific allegation against the petitioner and as such he, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-II, Saharsa in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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